

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOE HAND PROMOTIONS, INC.,

Plaintiff,

-against-

MEMORANDUM AND ORDER

Case No. 11-CV-1214 (FB) (MDG)

TRACY BLAIS, individually and as an
officer, director, shareholder and/or
principal of Lonestar Bar & Grill, and
TRACY BLAIS d/b/a LONESTAR BAR &
GRILL,

Defendants.

x

BLOCK, Senior District Judge:

On September 20, 2012, Magistrate Judge Go issued a report and recommendation ("R&R") recommending that the defendants' answer be stricken and that they be deemed in default. Those recommendations were proposed as sanctions for defendants' failure to comply with a settlement agreement, failure to communicate with their attorney and failure to comply with court orders.

The R&R recited that "[a]ny objections to this Report and Recommendation must be filed . . . by October 9, 2012," and that "[f]ailure to file objections within the specified time waives the right to appeal." R&R at 6. The R&R was mailed to defendants' last known address. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas*

v. Arn, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

The R&R contains no error, let alone plain error. Accordingly, the Court adopts it without *de novo* review. Defendants’ answer is stricken. The Clerk shall note their default on the docket.

SO ORDERED.

FREDERIC BLOCK
Senior United States District Judge

December 20, 2012
Brooklyn, New York